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Dkt. 0763/74768-B-PCT-US/JPW/GJG/JRM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Michael Wayne Graham et al.

Serial No. : 09/646,807

Examiner: Whiteman, Brian A.

Filed : December 5, 2000

Art Unit: 1635

For : CONTROL OF GENE EXPRESSION

1185 Avenue of the Americas
New York, New York 10036
January 25, 2008

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, applicants direct the Examiner's attention to the following references which are listed on the Substitute Form PTO-1449 attached hereto as Exhibit A, and which are attached hereto as Exhibits 1-3, respectively:

1. Que, Q., et al., (1998) "Distinct Patterns Of Pigment Suppression Are Produced By Allelic Sense And Antisense Chalcone Synthase Transgenes In Petunia Flowers" *The Plant Journal* 13:401-409 (Exhibit 1);
2. Wagner, R.W., and Sun, L. "Double-Stranded RNA Poses Puzzle" *Nature* 391:744-745 (Exhibit 2); and
3. Partial European Search Report issued November 2, 2007 in connection with European Patent Application No. 07008204.5 (Exhibit 3).

Applicants : Michael Wayne Graham et al.
Serial No. : 09/646,807
Filed : December 5, 2000
Page 2 of 4 of January 25, 2008 Supplemental Information
Disclosure Statement

The Examiner is respectfully requested to make these references of record in the present application by initialing and returning a copy of the enclosed Substitute Form PTO-1449.

With the exception of references 1 and 2, each of the references cited in the Partial European Search Report has been previously disclosed or cited in the subject application.

Specifically, applicants note that Fire, A., et al., (1991) "Production Of Antisense RNA Leads To Effective And Specific Inhibition Of Gene Expression In *C. Elegans* Muscle" *Development* 113:503-514, PCT International Publication No. WO 98/53083, published November 26, 1998, U.S. Patent No. 5,272,065, issued December 21, 1993, to Inouye et al., Montgomery, M.K., and Fire, A. (1998) "Double-Stranded RNA As A Mediator In Sequence-Specific Genetic Silencing And Co-Suppression" *TIG* 14:255-258, and Timmons, L., and Fire, A. (1998) "Specific Interference By Ingested dsRNA" *Nature* 395:854 as cited in the enclosed Partial European Search Report were previously disclosed in connection with the subject application in an Information Disclosure Statement submitted November 16, 2004.

Applicants note that Fire, A., et al., (1998) "Potent And Specific Genetic Interference By Double-Stranded RNA In *Caenorhabditis Elegans*" *Nature* 391:806-811, Grant, S.R. (1999) "Dissecting The Mechanism Of Posttranscriptional Gene Silencing: Divide And Conquer" *Cell* 96:303-306, Que, Q., et al., (1998) "Homology-Based Control Of Gene Expression Patterns In Transgenic Petunia Flowers" *Developmental Genetics* 22:100-109, Assaad, F.F., et al., (1993) "Epigenetic Repeat-Induced Gene Silencing (RIGS) In Arabidopsis" *Plant Molecular Biology* 22:1067-1085, Hamilton,

Applicants : Michael Wayne Graham et al.
Serial No. : 09/646,807
Filed : December 5, 2000
Page 3 of 4 of January 25, 2008 Supplemental Information
Disclosure Statement

A.J., et al., (1998) " A Transgene With Repeat DNA Causes High Frequency, Post-Transcriptional Suppression Of ACC-Oxidase Gene Expression In Tomato" *The Plant Journal* 15:737-746, Dorer, D.R., and Henikoff, S. (1997) "Transgene Repeat Arrays Interact With Distant Heterochromatin And Cause Silencing In *cis* And *trans*" *Genetics* 147:1181-1190, and Dorer, D.R., et al., (1994) "Expansions Of Transgene Repeats Cause Heterochromatin Formation And Gene Silencing In *Drosophila*" *Cell* 77:993-1002, as cited in the enclosed Partial European Search Report were previously disclosed in connection with the subject application in an Information Disclosure Statement submitted May 10, 2001.

Applicants note that PCT International Publication No. WO 99/32619, published July 1, 1999, as cited in the enclosed Partial European Search Report was previously disclosed in connection with the subject application in an Information Disclosure Statement submitted September 11, 2003.

Applicants note that Stam, M., et al., (1997) "The Silence Of Genes In Transgenic Plants" *Annals of Botany* 79:3-12, as cited in the enclosed Partial European Search Report was previously disclosed in connection with the subject application in an Information Disclosure Statement submitted January 23, 2006.

Applicants note that Fire, A. (1999) "RNA-Triggered Gene Silencing" *Trends in Genetics* 15:358-363 as cited in the enclosed Partial European Search Report was previously cited by the Examiner in connection with the subject application in an Office Action issued March 7, 2003.

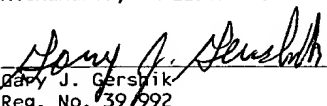
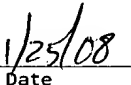
Applicants : Michael Wayne Graham et al.
Serial No. : 09/646,807
Filed : December 5, 2000
Page 4 of 4 of January 25, 2008 Supplemental Information
Disclosure Statement

According to 37 C.F.R. §1.97(c) an Information Disclosure Statement filed after the period specified in 37 C.F.R. §1.97(b) shall be considered if accompanied by the fee set forth in the 37 C.F.R. §1.17(p) or a statement under 37 C.F.R. §1.97(e). Applicants state that each item of information contained in this information disclosure statement was cited in a November 2, 2007 communication from a foreign patent office in a counterpart foreign application, i.e. not more than three months prior to the filing of this information disclosure statement.

If a telephone interview would be of assistance in advancing prosecution of the subject application, Applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Supplemental Information Disclosure Statement. However, if any fee is required authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

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| I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: | |
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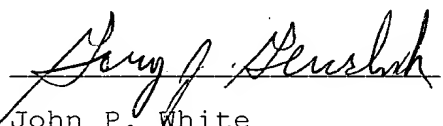

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EXHIBIT A